

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DOUGLAS MILCZAK,

Plaintiff,

Case No. 21-CV-11484

vs.

HON. GEORGE CARAM STEEH

GENERAL MOTORS, LLC,

Defendant.

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ORDER GRANTING PLAINTIFF'S  
COUNSEL'S MOTION TO WITHDRAW (ECF NO. 30)

The above-entitled matter has come before the court on plaintiff's counsel Richard Rohl's motion to withdraw. On July 7, 2022, plaintiff's first counsel, Eric Stempien, was permitted to withdraw, and all scheduling order dates were adjourned for 45 days so plaintiff could obtain new counsel. ECF No. 23. On August 18, 2022, Mr. Rohl filed his appearance in this case as counsel for plaintiff. ECF No. 24. A new scheduling order was issued at the status conference held on August 23, 2022. Although discovery had already closed, the Court reopened discovery so that the parties could take certain depositions. Mr. Rohl reports that all depositions but one have been completed.

On November 30, 2022, defendant filed its motion for summary judgment. ECF No. 26. The parties stipulated to extend the motion response date and the Court entered an order reflecting that the response was due by January 4, 2023. ECF No. 28.

On January 2, 2023, Mr. Rohl filed a motion to withdraw as counsel. ECF No. 30. Mr. Milczak filed his own motion to remove his attorney, ECF No. 29, as well as a motion to deny a proposed order submitted by Mr. Rohl, ECF No. 33. The Court will strike plaintiff's pro se motions since he is currently represented by counsel who seeks the same relief sought by plaintiff. Plaintiff does not have a right to hybrid representation. 28 U.S.C. § 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel...."). It is clear to the Court from the content of the motions filed by plaintiff and Mr. Rohl that there has been a breakdown in the attorney-client relationship. It is also clear that Mr. Milczak agrees that Mr. Rohl should be removed as his counsel.

The Court will grant Mr. Rohl's motion to withdraw as counsel. The Court will also grant a reasonable extension for plaintiff to respond to the pending motion for summary judgment in Pro Per, or by counsel should new counsel file an appearance on his behalf.

Now, therefore, for the reasons stated herein,

IT IS HEREBY ORDERED that Attorney Richard Rohl's motion to withdraw as counsel (ECF No. 30) is GRANTED.

IT IS HEREBY FURTHER ORDERED that the Clerk strike plaintiff's motion to remove his attorney (ECF No. 29) and motion to deny proposed order (ECF No. 33) as improperly filed.

IT IS HEREBY FURTHER ORDERED that plaintiff's response to defendant's motion for summary judgment is due by February 10, 2023.

It is so ordered.

Dated: January 9, 2023

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 9, 2023, by electronic and/or ordinary mail.

s/Brianna Sauve  
Deputy Clerk